



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,069	02/17/2004	Richard Emil Kajander	7362	9467

7590

03/30/2006

JOHNS MANVILLE
Legal Department
10100 West Ute Avenue
Littleton, CO 80127

EXAMINER

GOFMAN, ANNA

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/780,069

Applicant(s)

KAJANDER, RICHARD EMIL

Examiner

Anna Gofman

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-30 and 39-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-30 and 39-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/12/05
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Detailed Action

1. The Examiner has carefully considered Applicant's response filed January 11, 2006. The rejection of claims 24-30, 39 and 40 has been maintained.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior office action.

Claim Rejections - 35 USC § 103

3. Claims 24-30, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffee et al. (US 6,187,697), as set forth in the previous office action.
4. The newly amended claims 41-44 have been considered and are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaffee et al.

Jaffee et al. teach that the mats produced according to this invention are useful as a facer for all types of boards such as wood boards, wood product boards, insulating boards, and hard boards of all types, and also as reinforcement and dimensional stabilizers (Abstract). Thus, claims 41-44 are rejected.

Response to Arguments

5. Applicant's arguments filed on January 11, 2006 have been fully considered but they are not persuasive for the reasons set forth.

Applicant argues that there is no suggestion in the reference of Jaffee et al. to at least partially drying the mat and/or the coating while it is in contact with a smooth surface, which is a critical step in the manufacture of the coated mats. This argument is not commensurate in scope with the product claims set forth since it is a process limitation.

Further, Applicant argues that Examples 1 and 2 of the Applicant's specification show that when the same mat is coated with the same coating composition, Example 1, coated with essentially the same coating weight, and then dried in a conventional manner with the coated surface exposed to air, but Example 2 mat having the coating against a smooth surface during drying, that the Ra of Example 2 is 1.2 microns, was substantially different than the Ra of Example 1. Applicant alleges that the presumption of the surface smoothness of Jaffee et al. is not right and without support. This argument is not persuasive since the claims are not commensurate in scope with the Examples set forth in Applicant's specification.

Finally, Applicant argues that Examiner has not provided evidence that it is known in the art that increasing the filler content in the coating produces a smoother surface or causes it to stick better to the fibers. But Jaffee et al. teach that adding the filler would reduce permeability and coat the surface of the mat to make it smooth and impermeable (col.5 lines 10-17). Therefore, it is the Examiner's position that this is a result effective variable and is routinely adjusted by one versed in the art and would have been obvious to have increased or decreased the amount of filler within the coating which would directly affect the surface of the composite. Additionally, increasing the coating or filler amount would totally coat the nonwoven glass fibers so that they do not protrude out as shown in column 2, or alternatively, increasing the amount of filler would allow the coating to stick better to fibers and also fill any voids within the nonwoven thereby making the coating smooth.

6. Applicant's amendment to claim 25 has overcome the objections set forth

in paragraph 7 of the previous action.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Gofman whose telephone number is (571) 272-7419. The examiner can normally be reached on Mon.-Fri. 8:30-5:30.

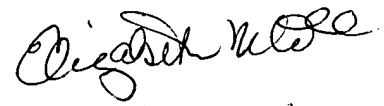
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1771

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anna Gofman
Examiner
Art Unit 1771

AG


EBC
Patent Application Information Retrieval (PAIR) System